

AN ACT

relating to the sanitation and safety requirements for certain artificial bodies of water maintained for public recreational purposes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1.005, Health and Safety Code, is amended to read as follows:

Sec. 1.005. DEFINITIONS [~~DEFINITION~~]. In this code:

(1) "Artificial swimming lagoon" means an artificial body of water used for recreational purposes with more than 20,000 square feet of surface area, an artificial liner, and a method of disinfectant. The term does not include a body of water open to the public that continuously recirculates water from a spring or a pool.

(2) "Licensed practitioner" [~~,"licensed practitioner"~~] includes a sex offender treatment provider who is licensed under Chapter 110, Occupations Code.

(3) "Public swimming pool" means an artificial body of water, including a spa, maintained expressly for public recreational purposes, swimming and similar aquatic sports, or therapeutic purposes. The term does not include an artificial swimming lagoon or a body of water open to the public that continuously recirculates water from a spring.

SECTION 2. The heading to Section 341.064, Health and

1 Safety Code, is amended to read as follows:

2           Sec. 341.064. SWIMMING POOLS, ARTIFICIAL SWIMMING LAGOONS,  
3 AND BATHHOUSES.

4           SECTION 3. Section 341.064, Health and Safety Code, is  
5 amended by amending Subsections (a), (b), (c), (e), (f), (g), (i),  
6 (j), (k), (l-1), (n), and (o) and adding Subsection (b-1) to read as  
7 follows:

8           (a) An owner, manager, operator, or other attendant in  
9 charge of a public swimming pool or an artificial swimming lagoon  
10 shall maintain the public swimming pool or artificial swimming  
11 lagoon in a sanitary condition.

12           (b) The bacterial content of the water in a public swimming  
13 pool or in an artificial swimming lagoon may not exceed the safe  
14 limits prescribed by department standards. A minimum free  
15 residual chlorine of 2.0 parts for each one million units of water  
16 in a public spa and a minimum free residual chlorine of 1.0 part for  
17 each one million units of water in other public swimming pools or in  
18 artificial swimming lagoons, or any other method of disinfectant  
19 approved by the department, must be maintained in a public swimming  
20 pool in use or in an artificial swimming lagoon in use.

21           **(b-1) The department shall approve or reject a request to**  
22 **use another method of disinfectant under Subsection (b) not later**  
23 **than the 90th day after the date the request was made. If the**  
24 **department does not approve or reject the method in accordance with**  
25 **this subsection, the person who made the request may file an action**  
26 **to compel the department to approve or reject the method or to show**  
27 **good cause for an extension of time to make a determination. Venue**

1 for an action brought under this subsection is Travis County.

2 (c) Water in a public swimming pool or in an artificial  
3 swimming lagoon [~~open to the public~~] may not show an acid reaction  
4 to a standard pH test.

5 (e) Facilities shall be provided in a public swimming pool  
6 or in an artificial swimming lagoon for adequate protection of  
7 bathers against sputum contamination.

8 (f) A person known to be or suspected of being infected with  
9 a transmissible condition of a communicable disease shall be  
10 excluded from a public swimming pool and from an artificial  
11 swimming lagoon.

12 (g) The construction and appliances of a public swimming  
13 pool and of an artificial swimming lagoon must be such as to reduce  
14 to a practical minimum the possibility of drowning or of injury to  
15 bathers. The construction after September 4, 1945, of a public  
16 swimming pool or the construction after September 1, 2017, of an  
17 artificial swimming lagoon must conform to good public health  
18 engineering practices.

19 (i) Dressing rooms of a public swimming pool or of an  
20 artificial swimming lagoon shall contain shower facilities.

21 (j) A comb or hairbrush used by two or more persons may not  
22 be permitted or distributed in a bathhouse of a public swimming pool  
23 or of an artificial swimming lagoon.

24 (k) The operator or manager of a public swimming pool or of  
25 an artificial swimming lagoon shall provide adequate and proper  
26 approved facilities for the disposal of human excreta by the  
27 bathers.

1 (1-1) Rules adopted under this chapter may not prohibit the  
2 consumption of food or beverages in a public swimming pool or  
3 artificial swimming lagoon that is privately owned and operated.

4 (n) A county or municipality may:

5 (1) require that the owner or operator of a public  
6 swimming pool or of an artificial swimming lagoon within the  
7 jurisdiction of the county or municipality obtain a permit for  
8 operation of the public swimming pool or artificial swimming  
9 lagoon;

10 (2) inspect a public swimming pool or an artificial  
11 swimming lagoon within the jurisdiction of the county or  
12 municipality for compliance with this section; and

13 (3) impose and collect a reasonable fee in connection  
14 with a permit or inspection required under this subsection provided  
15 the following are met:

16 (A) the auditor for the county shall review the  
17 program every two years to ensure that the fees imposed do not  
18 exceed the cost of the program; and

19 (B) the county refunds the permit holders any  
20 revenue determined by the auditor to exceed the cost of the program.

21 (o) A county or municipality may by order close, for the  
22 period specified in the order, a public swimming pool or an  
23 artificial swimming lagoon within the jurisdiction of the county or  
24 municipality if the operation of the public swimming pool or  
25 artificial swimming lagoon violates this section or a permitting or  
26 inspection requirement imposed by the county or municipality under  
27 Subsection (n).

1           SECTION 4. Section 341.0645(a), Health and Safety Code, is  
2 amended to read as follows:

3           (a) An owner, manager, operator, or other attendant in  
4 charge of a public swimming pool, wading pool, baby pool, hot tub,  
5 in-ground spa, water park, spray fountain, or other artificial body  
6 of water typically used for recreational swimming, bathing, or play  
7 shall comply with relevant pool safety standards adopted under this  
8 section.

9           SECTION 5. Section 341.064(m), Health and Safety Code, is  
10 repealed.

11           SECTION 6. The changes in law made by this Act apply only to  
12 an offense committed on or after the effective date of this Act. An  
13 offense committed before the effective date of this Act is governed  
14 by the law in effect on the date the offense was committed, and the  
15 former law is continued in effect for that purpose. For purposes of  
16 this section, an offense was committed before the effective date of  
17 this Act if any element of the offense occurred before that date.

18           SECTION 7. This Act takes effect immediately if it receives  
19 a vote of two-thirds of all the members elected to each house, as  
20 provided by Section 39, Article III, Texas Constitution. If this  
21 Act does not receive the vote necessary for immediate effect, this  
22 Act takes effect September 1, 2017.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1468 was passed by the House on April 27, 2017, by the following vote: Yeas 141, Nays 3, 3 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1468 on May 21, 2017, by the following vote: Yeas 133, Nays 7, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1468 was passed by the Senate, with amendments, on May 19, 2017, by the following vote: Yeas 27, Nays 4.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor